



06-CV-05098-ORD

The Honorable Robert L. Leighton

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

ALFREDO LONGORIA and JUNE
LONGORIA, a married couple, ELAINE
HARMON, a single person, JOANN
WIEST, a single person, THOMAS
LOWRY and CRYSTAL LOWRY, a
married couple, DOROTHY BUTCHER
and JERROLD BUTCHER, a married
couple, OTIS HOUSTON, a married
person, CARL WILSON and MILOSIA
WILSON, a married couple, ANTHONY
KILLINGSWORTH and LAURA DE
KILLINGSWORTH, a married couple,
ELI AGUIRRE, a single person, FRANK
LONGORIA and ANETA LONGORIA,
and PETER HALL, a single person,

Plaintiffs,

v.

HAROLD CLARKE, Secretary,
Department of Corrections, and the
DEPARTMENT OF CORRECTIONS,
and the STATE OF WASHINGTON, and
DANIEL PACHOLKE And "JANE
DOE" PACHOLKE, a married Couple,
and GEORGIA HARVEY and "JOHN
DOE" HARVEY, a married couple, And
DONALD LYNCH, and " " 1-10,
unknown Administrator or Supervisor,
and " " 11-20 unknown Corrections
Captain, Lieutenant, Sergeant or Officer,

NO. C06-5098

~~PROPOSED~~ ORDER
GRANTING/DENYING
DEFENDANTS MOTION IN
LIMINE

[Proposed] order granting/denying
defendants motion in limine -- No. C06-
5098

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ATTORNEY GENERAL OF WASHINGTON
Torts Division
7141 Cleanwater Drive SW
PO Box 40126
Olympia, WA 98504-0126
(360) 586-6300

Defendants.

THIS MATTER came on for hearing on the motion of the defendants for an in limine order. The defendants appeared by Robert M. McKenna, Attorney General, and Eric A. Mentzer, Assistant Attorney General, and the plaintiffs appeared by their attorney.

The court, having heard argument and having considered the files and records herein, and being fully advised, now, therefore,


IT IS HEREBY ORDERED, that plaintiffs are precluded from introducing any evidence or testimony, comments, argument, statements or questions by counsel, any witnesses, parties, directly, indirectly or by inference on the following matters:

No.	Description	Granted	Denied	Reserved
A	Testimony or arguments regarding the financial conditions of the parties or implying that the jury should consider the relative resources of the parties in their resolution of this case should be excluded.	X		
B	Any argument, testimony or comments which invites the jurors to conceptually put themselves in the place of the plaintiffs in considering any of the issues.	X		
C	Opinions of lay witnesses attributing motives to acts or decisions of others where such lay witnesses were not involved in the acts or decisions.	X		
D	Any arguments, testimony or comments regarding other allegedly wrongful or retaliatory acts by defendants against other individuals, or conclusory blanket allegations against defendants.			X
E	Actions occurring more than three years prior to the commencement of this action are foreclosed by the Statute of Limitations.	X		
F	Actions authorized by the Collective Bargaining Agreement, validated by grievance, or subject to pending grievance should not be permitted to be			X

1	No.	Description	Granted	Denied	Reserved
2		asserted as improper or discriminatory.			
3	G	Journals and self-serving emails or other notes of plaintiffs.			X
4	H	Requests or demands at trial, in the presence of the jury, for documents or information which may be kept or maintained by defendants or as may exist in defendants' records and files.	X		
5	I	Arguments and inferences outside the record for a punitive result or for political effect as against the State of Washington.	X		
6	J	Any testimony, argument or comment that the defendant has not called to testify as a witness any person equally available to both parties.		X	
7	K	Testimony from any person other than one qualified under the Federal rules of Evidence to express an opinion as to the plaintiff's medical, emotional, or psychological condition.			X
8	L	Special damages arguments or testimony not supported by appropriate expert opinions.	X		
9	M	Any reference to the quantity or quality of legal resources available to the State or defendants or any lack thereof available to plaintiff.	X		
10	N	Evidence not duly disclosed in the course of discovery.			X
11	O	Any argument, testimony, or comment concerning either parties' offers to settle this case and other statements made in settlement negotiations.	X		
12	P	Evidence that plaintiff Alfredo Longoria settled a prior disputed discrimination lawsuit against another state agency.	X		
13	Q	Any testimony or information about which any witness lacks personal knowledge.			X
14	R	Two trial days' advance notice of witnesses to be called. <i>The Prior Day. RBL</i>	X		
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1 IT IS FURTHER ORDERED That plaintiffs counsel and plaintiffs shall inform all
2 witnesses called by plaintiffs of the prohibition against testimony on these subjects. To the extent
3 a particular motion in limine is denied or reserved, the defendants shall have a continuing
4 objection as to any evidence or testimony, comments, argument, statements or questions by
5 counsel, any witnesses, parties, directly, indirectly or by inference on the matters set forth therein.
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7 DATED this 26th day of March, 2007.

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9 Honorable Robert L. Leighton
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13 Presented by:

14 ROBERT M. MCKENNA
15 Attorney General

16 /s/ Eric A. Mentzer
17 ERIC A. MENTZER, WSBA No. 21243
18 D. THOMAS WENDEL, WSBA No. 15445
19 Assistant Attorneys General
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CERTIFICATE OF SERVICE

I hereby certify that on March 5, 2007, I caused to be electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system which will send notification of such filing to the following:

Attorney for Plaintiff:

Wm. Michael Hanbey
hanbeyps@olywa.net

/s/ERIC A. MENTZER
ERIC A. MENTZER, WSBA #21243
D. THOMAS WENDEL, WSBA #. 15445
Assistant Attorney General
Torts Division
P.O. Box 40126
Olympia, WA 98504-0116
(360) 586-6300